

SECTION 2324: TEMPORARY BUILDINGS, STRUCTURES AND USES [amended 10/02]

Temporary uses, buildings and structures, not used for dwelling purposes, may be placed on a lot or parcel and occupied only under the following conditions as authorized by the Zoning Administrator.

1. Only the following temporary uses, buildings or structure are permitted:

- a. Fire Damage: A temporary building or structure may be constructed during renovation of a permanent building damaged by fire. The temporary building or structure shall be removed within fifteen (15) days after the repair of fire damage is complete. Permits issued under this section shall be for a one hundred and eighty (180) day duration.
- b. New Construction: Temporary buildings and structures incidental to construction work, except those related to construction of single-family dwellings, may be placed on the developing tract or parcel during construction. No cooking accommodations shall be maintained. Said temporary buildings shall be removed within fifteen (15) days after construction is complete. The structure shall not be allowed more than twelve (12) months, unless expressly authorized after petition to the Zoning Administrator.
- c. Temporary Classrooms: Up to four temporary classrooms may be permitted for private schools with expansion needs. Said classrooms shall meet local codes and ordinances. Said buildings shall be removed within fifteen (15) days after construction of any permanent structure intended for expansion purposes is complete. The temporary classrooms shall not be allowed more than eighteen (18) months, unless expressly authorized after petition to the Zoning Administrator.
- d. Temporary Real Estate Offices: Temporary Real Estate Offices are permitted within approved development projects. No cooking accommodations shall be maintained. -The office shall be removed upon completion of the development of the subdivision. The office shall not be allowed for more than one (1) year, unless expressly authorized after petition to the Zoning Administrator. A model home may be used as a temporary sales office.
- e. Outdoor Christmas Tree/Fireworks Sales: The outdoor display and sale of Christmas trees and fireworks is permitted outside residential zoning districts. The display and sale of trees or fireworks on an open lot shall be allowed for a period not to exceed forty-five (45) days. No fresh cut tree sales shall be conducted from within a building. All unsold trees must be removed from the property by December 31st of each calendar year. All unsold fireworks must be removed from the property by July 10th of each calendar year. Outdoor fireworks sales will be conducted pursuant to the Fire Code.

- f. Special Events: Temporary uses associated with bona fide special events (associated with a non-profit organization and/or approved through the City's Special Events approval procedure) may be allowed by the Zoning Administrator during the tenure of the special event only, and must be restricted to the property(ies) where the event is taking place. Such temporary uses may include food vendors, event offices, dressing rooms, carnival-type games, midways, t-shirt or souvenir sales, art/craft fairs, or other similar uses. Such uses shall be regulated by the City's Special Events procedure.
- 2. Performance Guarantee: The Zoning Administrator may require a performance guarantee pursuant to Section 2325 in an amount equal to the estimated cost of removing any temporary structure permitted.
 - a. The applicant shall sign an affidavit holding the City harmless against any claim for damages if the City were to use the performance guarantee to remove the temporary structure after its authorized period had expired. Further, the applicant shall consent in writing to special assessment of any city expenditure in excess of the performance guarantee or deposit to complete removal or cure.
 - b. In the event that a temporary structure is not removed by a permit holder at the end of the permit period the City may use the performance guarantee to remove the temporary structure once the permit has expired.
 - c. If the applicant removes the temporary structure as dictated by the permit the performance guarantee shall be returned when all the terms and conditions of the temporary zoning permit have been met and the temporary use or structure has been removed.
- 3. Temporary Zoning Permit: A temporary zoning permit may be required by the Zoning Administrator for any proposed temporary use, building or structure, except those already covered by the City's Special Events procedure, Fire Code, or Transient Merchants procedure. Any temporary zoning permit may be approved, modified, conditioned or denied by the Zoning Administrator. The Zoning Administrator may refer an application for a temporary zoning permit to the Planning Commission.
 - a. A written temporary zoning permit may be issued for any temporary use, except those already covered by the City's Special Events procedure, Fire Code, or Transient Merchants procedure, and shall contain the following information:
 - i The applicant's name
 - ii The location and effective dates of the temporary use
 - iii Conditions under which the permit was issued, included but not limited to:
 - (1) use and placement of signs
 - (2) provision for security and safety measures

- (3) control of nuisance factors.
- iv Submission of performance guarantee, if applicable
- v Signature of the Zoning Administrator and owner and/or operator on the permit.
- b. The zoning administrator may impose conditions with the issuance of a permit which are designed to ensure compliance with the requirements of this Ordinance. The Zoning Administrator may revoke a permit at any time for nonconformance with the requirements of this section and a permit issued thereunder.
- c. Request for permit renewal shall be filed at least fifteen (15) days prior to the expiration date of the current permit. Applications for renewal or extension of a permit having a duration of fifteen (15) days or less shall be applied for at least three (3) days prior to the expiration date of the current permit.
- d. Revocation: Upon expiration or revocation of a temporary zoning permit for a temporary use, the temporary use shall cease and all temporary structures, dwellings or buildings shall be removed from the parcel of land. A temporary zoning permit may be revoked or modified by the Zoning Administrator if any one of the following findings can be made:
 - i That circumstances have changed
 - ii That the temporary zoning permit was obtained by misrepresentation or fraud
 - iii That one (1) or more of the conditions of the temporary zoning permit have not been met
 - iv That the permitted use violates any statute, ordinance, law, or regulation.

4. Conditions of Approval:

- a. The nature of the temporary use and the size and placement of any temporary structure shall be planned so that the temporary use or structure will be compatible with existing development.
- b. The use shall not be typically located within a permanent building or structure.
- c. The parcel shall be of sufficient size to adequately accommodate the temporary use or structure.
- d. The location of the temporary use or structure shall be such that adverse effects on surrounding properties will be minimal, particularly regarding the traffic generated by the temporary use or structure.

- e. Off-street parking areas are of adequate size for the particular temporary use or structure and properly located and the entrance and exit drives are laid out so as to prevent traffic hazards and nuisances.
 - f. Signs shall conform to the provisions of this Ordinance.
 - g. Any lighting shall be directed and controlled so as to not create a nuisance to neighboring property owners.
5. Appeal: An appeal of a decision by the Zoning Administrator relative to denial of a temporary use, building or structure or of a temporary zoning permit or renewal thereof may be taken to the Zoning Board of Appeals pursuant to Section XXV of this Ordinance.
6. Habitation of Accessory Structures and Travel Trailers: No recreational vehicle or travel trailer, fixed or portable garage, barn, ~~or~~ accessory buildings, or cellar shall be used or occupied as a dwelling.